

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

[1] MARTHA DONELSON and)
[2] JOHN FRIEND, ON BEHALF)
OF THEMSELVES AND ON)
BEHALF OF ALL SIMILARLY)
SITUATED PERSONS,)

Plaintiffs,)

v.)

Case No. 14-CV-316-JHP-TLW

[1] UNITED STATES OF AMERICA,)
DEPARTMENT OF INTERIOR,)
BUREAU OF INDIAN AFFAIRS, et al.,)

Defendants.)

DEFENDANT NADEL AND GUSSMAN, LLC’S MOTION TO DISMISS

Defendant Nadel and Gussman, LLC hereby moves to dismiss Plaintiffs’ First Amended Complaint pursuant to F.R.C.P Rule 12(b)(1), (6) and (7).

In support of its Motion, Defendant Nadel and Gussman, LLC adopts the arguments and authorities set forth in the motions filed by B&G Oil Company and Wellco Energy, Inc. [Doc. No. 124]; Devon Energy Production Co., L.P., and Linn Energy Holdings, LLC [Doc. No. 136]; The Link Company et. al. [Doc. No. 137]; and Performance Energy Resources, L.P. et. al. [Doc. No. 138].

Defendant Nadel and Gussman, LLC prays that the Court dismiss with prejudice Plaintiffs’ First Amended Complaint and grant it reasonable attorney fees, costs, and all other relief to which the Court determines to be just and proper.

RESPECTFULLY SUBMITTED,

/s/ Frederic Dorwart

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CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 7th day of October, 2014, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the applicable ECF registrants.

/s/ Frederic Dorwart